IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 19710 of 2004

Between:

K.B. Lingam, S/o Narasaiah
Poodur (V&P) Karimnagar District

..... PETITIONER

AND

1 AP. State Road Transport Corporation, rep by its Vice-Chairman and Managing Director, Musheerabad, Hyderabad
2 The Depot Manager, APSRTC., Korutla Depot, Korutla, Karimangar District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more in the nature of Writ of Mandamus, directing the respondents to appoint the petitioner in any alternative suitable post with all consequential benefits including wages and protection of the all benefits.

Counsel for the Petitioner: MR.P.GOVINDA RAJULU

Counsel for the Respondents: SMT.P.RAJANI REDDY SC FOR APSRTC

The Court at the stage of admission, made the following :

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ORAL ORDER

The petitioner worked as a Conductor in the respondent-Corporation. The 2ND respondent through the order dated 28-07-2004 found the petitioner medically unfit for performing the duties of the Conductor. Therefore, the petitioner was retired from service with effect from 28-07-2004 on medical grounds. The petitioner contends that since he was retired on medical invalidation on the ground that he is unfit to perform the duties of Conductor, he is entitled for an alternative employment under Section 47 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995(for short 'the Act'). The petitioner submits that though he made a representation to the third respondent to consider his case for alternative appointment, it was not considered. Therefore, he approached this Court seeking a direction to the respondents to provide alternative appointment to him at any place in the Corporation.

In the light of Section 47 of the Act, and in the light of the letter addressed by the 2ND respondent on 31-08-2004, the respondents are directed to consider the case of the petitioner, for providing an alternative employment and pass appropriate orders by keeping in view the length of service rendered by him in the Corporation and the nature of disability with which he is suffering, within two months from the date of receipt of a copy of this order.

The Writ Petition is accordingly disposed of. No order as to costs.

_____ Dr.G.YETHIRAJULU, J.

Dated: 28th October, 2004.

*TSNR

To

1. The Vice-Chairman and Managing

Director,A.P.S.R.T.C.Musheerabad,Hyderabad.

2 . The Depot Manager, APSRTC., Korutla Depot, Korutla,

Karimangar District.

3. Two C.D.Copies